GOVERNMENT OF MYSORE.

FOOD CIVIL SUPPLIES AND LABOURS DEPARTMENT.

IN THE LABOUR COURT AT HUBLI

Dated 3rd August 1967.

Complaint No. 5/1966 filed in Reference (ID) (LCH) No. 71 of 1966.

Present:

Sri Syed Azizuddin Ahmed, M.A ,B.L. ... *Presiding Officer.*

Between

1. Sri K. Babu,
2. „ Deju Shetty,
3. „ K. P Sundar Shetty,
4. „ Poovappa,

C/o The Indian Hume Pipe Co. Staff and Workers' Union
Panambur, S.K. ... ***Complainants***

and

The Manager, The Indian Hume Pipe Co , Ltd.,
Panambur, S.K. ... ***Opponent.***

Sri K. Babu and three others, the former workmen of the opponent have filed this application under Section 33 of the Industrial Disputes Act, 1947. Their case is that during the pendency of Reference (ID) (LCH) No. 71 of 1966 on the file of this Court, the management has terminated their services. This amounts to victimisation. The court may decide the complaint and pass such orders as it deems fit and proper.

2. The opponent contested the complaint. It pleaded, *inter alia* that due to temporary increase in work, it re-employed the complainants on 4th November 1966 and after the completion of the work for which they were recruited their services were terminated by way of discharge on 22nd December 1966. It denied the allegation that it had insisted on the complainants to withdraw their dispute. The termination of the services of the complainants was in accordance with the terms of their employment. They had hardly put in 41 days service from 11th April 1966 to 22nd December 1966. Therefore, the question of notice does not arise and no permission was necessary.

3. The complaint is worded with a slant. It does not take into account the appointment orders. Sri Ramesh, P., the Accountant of the opponent entered into the witness box and deposed that the complainants were appointed temporarily as per the appointment orders Exs M-1 to M-4. The complainants were not asked to withdraw their reference on threat of removal from service. Sri Deju Shetty, one of the complainants deposed that after the

Government had referred the main dispute to the Labour Court, the manager called him and asked him to withdraw the dispute, otherwise, his service would be terminated. The manager had asked other complainants also in the same manner. They all refused to withdraw the dispute. Later, their services were terminated.

4. I am not prepared to give credence to the plea set up by the complainant. It is not in consonance with their application for appointment or orders thereon. I have before me the four documents Exs. M-1 to M-4. All the complainants have been appointed temporarily for one month. The appointment order clearly lays down that their services would automatically stand terminated after the period of one month or when the present increase in work is over or if the work was stopped for any reason or if the work or conduct was found unsatisfactory or if the permanent workers were found sufficient for the work, whichever eventuality happened first from the date of that eventuality. In a plethora of rulings, it has been observed that temporary workmen are those, who are appointed either for a specific purpose or for a specified period. The service of temporary workmen would come to an end after the completion of the period or after the purpose is served. If the contract gives the employer the power to terminate the service of his employees, it would be open to him to take recourse to that term or condition and terminate their services. When the validity of such termination is challenged in an industrial forum, it would be competent for the forum to enquire whether the impugned discharge has been effected in the *bona fide* exercise of the power conferred by the contract. If the discharge has been ordered by the employer in *bona fide* exercise of his powr than the industrial forum may not interfere with it. In the instant case, there is nothing to suggest that the opponent was actuated either by malice or by an improper motive. The complainants are attempting to link their automatic discharge with the reference, which is pending disposal on the file of this Court. This reference cannot come in the way of automatic discharge. The complaint is found devoid of merits.

AWARD.

The complaint is dismissed. No order as to costs.

Place : Hubli

Date : 3rd August 1967.

SYED AZIZUDDIN AHMED,
Presiding Officer
Labour Court, Hubli.

ANNEXURE

Witnesses examined for Complainants

C.W. 1 Deju Shetty S/o Ramanna Shetty.

Witnesses examined for Opponent

O.W. 1 Ramesh. P,. S/o P., Mahabaleshwar Holla.

Documents marked for Complainants

Exhibits :

W. 1 Meeting Book of the Union.

Documents marked for Opponent

M-1 Application dated 4-11-66 of Sri Deju Shetty.
M-2 Do 7-11-66 of Sri K. Babu.
M-3 Do Do of Sri K. P. Sundara Setty
M-4 Do Do of Sri Poovappa.

SYED AZIZUDDIN AHMED,
Presiding Officer
Labour Court, Hubli.

Place : Hubli
Date : 3rd August 1967.